

UNITED STATES DISTRICT COURT
For the
DISTRICT OF RHODE ISLAND

Plaintiff,
Department of Children, Youth
And Families

CASE NO.

vs.

Defendant,
Carline Vilbon

Rhode Island Superior Court No. PM-2018-6289

DATED: September 13, 2021

NOTICE OF REMOVAL

Pursuant to 28 U.S.C. § 1443, 18 U.S.C. § 242, 42 U.S.C. '1983 and the fourteenth Amendment of the United States' Constitution, I Carline Vilbon, the Defendant – Petitioner, by way of removal would respectfully show unto this Court:

1. This action was commenced by the filing of a Summons and Complaint on August 31, 2018, in the Rhode Island Superior Court, in the Providence county.
2. Thirty days have elapsed since the receipt of the Complaint by the Defendant upon whom it has been served. On September 9, 2021, during a hearing for review of the one year extreme risk protection order “ERPO” and the Defendants Motion to terminate the one year ERPO, I Carline Vilbon the Defendant was denied due process and equal protection of the law, while the court allowed the prosecutor misconduct in withholding exculpatory evidence which incriminates me in violation of 18 U.S.C. § 242.

Title 28 U.S.C § 1443 provides that:

“Any of the following civil actions or criminal prosecutions, commenced in a State court may be removed by the defendant to the district court of the United States for the district and division embracing the place wherein it is pending:

(1) Against any person who is denied or cannot enforce in the courts of such State a right under any law providing for the equal civil rights of citizens of the United States, or of all persons within the jurisdiction thereof;

(2) For any act under color of authority derived from any law providing for equal rights, or for refusing to do any act on the ground that it would be inconsistent with such law”.

Under Title 28 U.S.C § 1443 and 18 U.S.C. § 242 United States district court has jurisdiction to entertain a civil actions for deprivation of constitutional rights, which I the Defendant could not enforce in the Rhode Island Superior Court.

3. Pursuant to 28 U.S.C. '1441(a), the Defendant may remove to the District Court of the United States, for the district and division embracing the place where such action is pending, any civil action brought in a state court of which the district courts of the United States have original jurisdiction. Pursuant to 28 U.S.C. '1441(b), any civil action of which the district courts have original jurisdiction founded on a claim or right arising under the Constitution or laws of the United States shall be removable without regard to the citizenship or residence of the parties.

4. By virtue of 28 U.S.C. § 1443 and 18 U.S.C. § 242 the United States District Court has original jurisdiction of any civil action for a claim under 42 U.S.C. '1983. Section 1983 does not expressly prohibit removal and the existence of concurrent jurisdiction in the state court over

claims under 42 U.S.C. '1983 is insufficient, standing alone, to defeat the right of removal granted the Defendant under 28 U.S.C. § 1443 and 18 U.S.C. § 242.

5. By virtue of the foregoing, I, the Defendant Carline Vilbon hereby removes this action to the United States District Court for the District of Rhode Island.

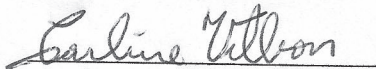
6. The Defendant files herewith in this Court a copy of all process, pleadings and orders

(a) Served by or upon me in this action, as a part of the Notice of Removal, which consists of the Summons and Complaint dated September 13, 2021.

(b) The Clerk of the Rhode Island Superior Court from which this action is removed, and Plaintiff's counsel shall promptly be given written Notice that the Notice of Removal has been filed and shall be provided a copy of the Notice of Removal.

WHEREFORE, the Defendant prays that this Notice of Removal be accepted as sufficient for removal of this action to this Court.

Respectfully submitted,



Carline Vilbon

74 Prince Street
Pawtucket, RI. 02860

Ph: (401) 654-3470

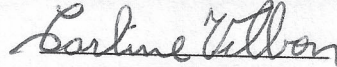
Email:

Dated: September 13, 2021

CERTIFICATE OF SERVICE

I, the Defendant Carline Vilbon, do hereby on this 13th, day of September, 2021, served via **Electronic Mail** a true and accurate copy of the following documents to the Plaintiff's attorney, Douglas Ciullo at ciullolaw@cox.net,

The Defendant's Notice of Removal

A handwritten signature in cursive script that reads "Carline Vilbon".

Carline Vilbon

Dated: September 13, 2021